

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS)	
FOR TRANSFER NOS. 5474 AND 5475)	
(47-02306A & 47-02306B) IN THE NAME)	AMENDED FINAL ORDER
OF HENRY C. HAFLIGER)	
_____)	

On January 4, 2000, the hearing officer for the Idaho Department of Water Resources (the "Department") issued a Recommended Order approving Applications for Transfer Nos. 5474 (Right No. 47-02306A) and 5475 (Right No. 47-02306B) in the name of the applicant Henry C. Hafliger. Protestant Max D. Hatfield filed a timely petition for reconsideration that was denied by order of the hearing officer on February 3, 2000. The parties thereafter had twenty-one (21) days under the Department's Rules of Procedure in which to file exceptions to the January 4, 2000 Recommended Order before the Director. No exceptions were filed to the Recommended Order. In accordance with Rule 720 of the Department's Rules of Procedure, a recommended order will become final only after review and issuance of a final order by the Director.

The Director enter a Final Order on March 10, 2000, after having reviewed the January 4, 2000 Recommended Order of the hearing officer, and the February 3, 2000 order of the hearing officer denying the petition for reconsideration of the recommended order. This Amended Final Order is issued to correct a clerical error in the text of conditions of approval nos. 6 and 7 of the Final Order. The change clarifies that the irrigation usage is associated with Right No. 47-02306A and that the stockwater and commercial use is associated with Right No. 47-02306B.

ORDER

IT IS HEREBY ORDER that the Recommended Order of the hearing officer entered on January 4, 2000, is adopted as the Amended Final Order of the Department approving Applications for Transfer Nos. 5474 (Right No. 47-02306A) and 5475 (Right No. 47-02306B) in the name of the applicant Henry C. Hafliger, subject to the following conditions:

1. The right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. Use of water under this approval shall comply with all applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare, and all applicable dairy operation standards of the Idaho Department of Agriculture.
3. The dairy operation authorized under this approval shall comply with all applicable city and county zoning and land use requirements.
4. Failure of the right holder to comply with any condition of approval of this transfer is cause for the Director to rescind approval of the transfer.
5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
6. The total instantaneous diversion of water from all points of diversion under Transfer No. 5475 for Right No. 47-02306B shall not exceed 0.59 cfs, nor a total combined annual volume of 250.0 af, for stockwater and commercial uses.
7. The total instantaneous diversion of water from the point of diversion under Transfer No. 5474 for Right No. 47-02306A shall not exceed 0.85 cfs, nor a total combined annual volume of 358.0 af for irrigation of 89.5 acres within a 209 acre Permissible Place of Use (PPU).

8. The right holder shall retain all shares of the Salmon River Canal Company associated with the place of use prior to approval of previous Transfer 5148, and shall continue to use the shares on remaining irrigated acres under Right 47-02306A.

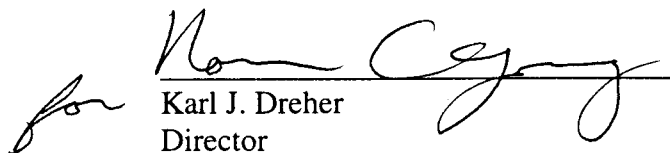
9. The two points of diversion under Transfer 5475 are located within SENE, S06, T11S, R16E.

10. The single point of diversion under Transfer 5474 is located within NWSE, S06, T11S, R16E.

11. Prior to diversion of water under this approval, a totalizing measuring device of a type approved by this Department shall be installed and maintained on each of the wells authorized under Rights 47-02306A and 47-02306B. The volume of water diverted from each well shall be measured and recorded monthly and reported annually to the Department. The static water levels of the dairy wells shall be measured and recorded twice each year in April and October and reported annually to the Department. The annual reports may be subject to reporting fee requirements.

12. The change authorized by this approval shall be accomplished within one (1) year of the date of this final order.

Dated this 13TH day of March, 2000.


Karl J. Dreher
Director